IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.869 OF 2006
IN
NOTICE OF MOTION NO.726 OF 2005
IN
SUIT NO.648 OF 2005

Francis Wacziarg Agencies Pvt. Ltd. & Ors. ..Appellants.
Vs.
Nasreen Yusuf Turk & Ors. ..Respondents.

....

Ms. Mili V. Thakkar i/b M/s. Dave & Co. for the Appellants.
Shri Vishal C. Ghosalkar for Respondents 1 to 5.

....

CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

5th February, 2007.

P.C. :

Heard.

By consent the impugned order dated 29th June, 2006 is set aside. It is to be noted that the impugned order does not deal with the well established principles of law which are required to be considered while dealing with the matter relating to injunctive reliefs i.e. the prima facie case, balance of convenience and issue

pertaining to irreparable loss. Liberty to the parties to move for expeditious disposal of Notice of Motion 726 of 2005 before the Learned Single Judge. Meanwhile the learned advocate for the Appellant states that the Appellant will maintain status quo in relation to the suit premises till the disposal of Notice of Motion 726 of 2005 with liberty to move for expeditious disposal of the said Notice of Motion. The Appeal accordingly stands disposed of. There shall be no order as to costs.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)